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EXAMINER
JONES, HEATHER RAE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte RONALD LYNN BLAIR,
MARK ALAN SCHULTZ
and ROBERT WARREN SCHMIDT

———————

Appeal 2009-001208
Application 10/087,002
Technology Center 2600

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Decided: March 31, 2010

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Before KENNETH W. HAIRSTON, JOSEPH F. RUGGIERO,
and MAHSHID D. SAADAT, *Administrative Patent Judges.*

HAIRSTON, *Administrative Patent Judge.*

DECISION ON APPEAL

This is an appeal under 35 U.S.C. §§ 6(b) and 134 from the final
rejection of claims 1 to 18.

The disclosed invention relates to a method and apparatus for audio
content playback during video trick mode playback. During the playback,

selected ones of digital audio samples are repeated or dropped at a rate corresponding to a selected trick mode video playback speed of the video programming, and a playback audio pitch associated with the audio samples is key shifted to compensate for the trick mode playback (Figs 1-3; Spec. 2-7).

Claim 1 is representative of the claims on appeal, and it reads as follows:

1. A method for audio content playback during video trick mode playback, comprising:

reading coded digital data from a storage medium, said coded digital data comprising a video programming and corresponding audio programming;

decoding from a portion of said digital data comprising said audio programming a plurality of digital audio samples corresponding to a selected portion of the video programming;

repeating or dropping selected ones of said digital audio samples at a rate corresponding to a selected trick mode video playback speed of said video programming; and

key shifting a playback audio pitch associated with said audio samples to compensate for said trick mode playback.

The prior art[1] relied upon by the Examiner in rejecting the claims on appeal is:

Shimura   US 6,658,197 B1   Dec. 2, 2003

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[1] The filing dates of the applied references are prior to the March 1, 2002 filing date of the subject application.

Suito   US 6,925,340 B1   Aug. 2, 2005

The Examiner rejected claims 1, 2, 8 to 11, 17, and 18 under 35
U.S.C. § 102(e) based upon the teachings of Suito.

The Examiner rejected claims 3 to 7 and 12 to 16 under 35 U.S.C.
§ 103(a) based upon the teachings of Suito and Shimura.

The Examiner contends (Final Rej. 4, 5) that Suito describes all of the
method steps and apparatus limitations set forth in claims 1, 2, 8 to 11, 17,
and 18. In response, Appellants argue *inter alia* (Br. 19-21, and 24) that
Suito does not describe "key shifting a playback audio pitch associated with
said audio samples to compensate for said trick mode playback."

Suito describes an apparatus and method for audio content playback
during video trick playback that involves either double speed reproduction
or triple speed reproduction (col. 6, ll. 14-50). Suito reads coded digital data
comprising video programming and corresponding audio programming from
a storage medium 1 (Fig. 1; col. 6, ll. 3-9). Suito then decodes a plurality of
digital audio samples corresponding to a selected portion of the video
programming (col. 6, ll. 30-36). In amplitude processing section 70, 76,
Suito deletes all of the sound absence portions from the audio, and joins
together the sound presence portions of the audio that occur both before and
after the sound absence portions of the audio to form an audio output signal
(col. 1, l. 58 to col. 2, l. 10; col. 17, ll. 31 to 63; col. 22, ll. 25 to 28;
Abstract).

Although we agree with the Examiner (Ans. 7) that the output from
filter 73 in Suito has a pitch component that is received by amplitude
processing section 70, 76 (Fig. 3; col. 7, ll. 31 to 36), we agree with

Appellants' argument that Suito does not shift "playback audio pitch associated with said audio samples to compensate for said trick mode playback."

In summary, the anticipation rejection of claims 1, 2, 8 to 11, 17, and 18 is reversed because each and every limitation in the claims is not found either expressly or inherently in Suito. *In re Crish*, 393 F.3d 1253, 1256 (Fed. Cir. 2004).

The obviousness rejection of claims 3 to 7 and 12 to 16 is reversed because the audio signal reproduction teachings of Shimura fail to cure the noted shortcomings in the teachings of Suito.

The decision of the Examiner is reversed.

<u>REVERSED</u>

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